

REMARKS

Claims 1-31 and 33-38 are pending in the application. Claims 1, 18, 29, 31, and 33 are independent. The only independent claims rejected over prior art are claims 1 and 31. The only dependent claim rejected over prior art is claim 2.

All claims stand rejected under 35 U.S.C. §101 as being drawn to non-statutory subject matter. Following the first office action, the undersigned spoke by telephone with the Examiner who agreed that this rejection could be overcome by adding the phrase “embodied on a computer readable medium” to the preamble of each independent claim. The applicant amended the claims accordingly and a second “final” action issued based on a new §101 rejection.

On February 5, 2008, the undersigned spoke by telephone with Examiner Vincent who agreed to consider an amendment to overcome the §101 rejection. The Examiner stated that he was concerned that the claims were directed to a “signal”. The undersigned proposed that the claims be amended to more definitely claim the real world function of the invention and the real world results obtained by the invention. The Examiner agreed to consider such an amendment. In order to ensure that this amendment be entered and considered, an RCE is included herewith even though the finality of the last office action arguably improper.

The invention is related to software which creates a database of product information which is acquired from the world wide web or from other sources. The invention is presently used by the U.S. Department of Defense to make purchases of items based on the item's description, cost, location, shipping cost, etc. Thus, the real world application of the software is quite tangible. The Department of Defense saves millions of dollars every year by shopping catalogs created by the present invention. This real world application is described and illustrated throughout the application and the actual software of the invention has been submitted as a CDROM appendix. The invention is not a signal; it is a very useful and valuable software tool.

Having amended the independent claims to specify a real world application for the invention, it is respectfully submitted that the new §101 rejection has been overcome and that all of the claims not under prior art rejection should be indicated as allowable.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

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